

Amendment Under 37 CFR 1.116
USSN 09/736,298

REMARKS

Claims 1-7 remain in the application, the specification and claim 7 having been editorially amended. Reconsideration of the application and allowance of all claims are respectfully requested in view of the above amendments and the following remarks.

The specification and claims have been amended to address the editorial issues raised by the examiner in paragraphs 1-3 of the Office action. Entry of the amendments is respectfully requested in that they are limited to those requested by the examiner.

The rejection of claim 7 in paragraph 5 of the Office action is respectfully traversed. It is clear from the "Response" remarks at page 8 of the Office action that this rejection is based on the position by the examiner that each channel forms an "access" between the remote terminal and the central station. This is not how the term "access" is used in the present application, and not how one of ordinary skill in the art would interpret that term in the claim. It is noted from the remarks of the examiner in paragraph at the top of page 7 that the examiner understands that there is an accepted meaning in the art for the term Primary Rate Access. While the examiner can give a claim term its broadest reasonable meaning during prosecution, the meaning must still be constrained by how the term is used in the specification. In the present case, interpreting each channel in the T carrier of Kim to be a different "access" would not be reasonable and is therefore improper even during examination.

Regarding the rejection of claims 1, 3, 5 and 6 in paragraph 6 of the Office action, applicants previously distinguished over the combination of Kim and Kato on the basis that the present invention shares the signaling channel between channels on different physical media, and

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the examiner has now additionally relied on Kobayashi (USP 5,978,380) to teach this feature. Kobayashi does describe in column 9 (with reference to Fig. 8) that if a cable 30a over which the common signaling channel is routed is too congested, the common signaling channel can be re-routed over a cable 30b. However, (1) the invention of claim 1 is directed to the provision of two different signaling channels on two different physical media and selecting a highest priority functional signaling channel for use with the access, (2) Kato teaches the use of a lowest priority channel as a backup so that the chance of the backup being needed for other uses is minimized. If one were to follow the teachings of Kato, Kim would at best be modified to use a low priority channel for backup, but this would not result in having plural signaling channels assigned priorities and using the highest priority functional one as the common signaling channel. Kobayashi teaches use of capacity on a separate physical medium if the first medium is full, and adopting this teaching might result in a signaling channel on a different physical medium from the information channel(s) it is supporting. But Kobayashi does not teach prioritizing plural signaling channels and selecting the highest priority functional one.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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